

These are the tentative rulings for civil law and motion matters set for Thursday, July 18, 2013, at 8:30 a.m. in the Placer County Superior Court. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by 4:00 p.m. today, Wednesday, July 17, 2013. Notice of request for oral argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date, and after approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

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EXCEPT AS OTHERWISE NOTED, THESE TENTATIVE RULINGS ARE ISSUED BY COMMISSIONER MICHAEL A. JACQUES AND IF ORAL ARGUMENT IS REQUESTED, ORAL ARGUMENT WILL BE HEARD IN DEPARTMENT 40, LOCATED AT 10820 JUSTICE CENTER DRIVE, ROSEVILLE, CALIFORNIA.

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**1. M-CV-0057586      Wells Fargo Bank, N.A. vs. Gilsdorf, Mike**

The moving party is reminded that Local Rule 20.2.3 requires the information concerning the court's tentative ruling procedure be included in the notice of motion.

Plaintiff's Motion to Deem Admissions is granted. The matters encompassed in Plaintiff's Requests for Admissions, Set One are deemed admitted. Sanctions in the amount of \$460.00 are imposed on the defendant Mike Gilsdorf pursuant to CCP §§2023.010 and 2033.280.

**2. S-CV-0025680      Hawkins, Philip E., et al vs. Brown, Robert A., et al**

The Motion for Evidentiary Sanctions is dropped from the calendar at the request of the moving party.

**3. S-CV-0027028      LeMay, John C. vs. Pacific Power Management LLC, et al**

The Motion to Compel Request for Production of Records is dropped from the calendar at the request of the moving party.

**4. S-CV-0027234      Masha, John, et al vs. Hogue, Rod D., et al**

Defendant Donna Hogue's Motion for Leave to File a Cross-Complaint is granted. The cross-complaint shall be filed and served on or before July 19, 2013.

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**5. S-CV-0028130                      Boss, Jeanne L. vs. Scherer, Kimberley, et al**

Kimberly Scherer's motion for sanctions pursuant to C.C.P. § 128.7 is denied. The court has considered the record of the proceedings in this matter and in the related probate cases. The court does not find that the complaint in this matter was so without legal or factual support as to warrant sanctions.

**6. S-CV-0028391                      Higgs, Roy vs. Colliau, Russell W., et al**

This tentative ruling is issued by the Honorable Michael W. Jones. The hearing shall be held at 8:30 a.m. in Department 43:

Appearance of the parties is required on Defendant's Ex Parte Application to Reset Plaintiff's Motion to Amend Judgment pursuant to the ex parte order entered on July 15, 2013.

**7. S-CV-0029524                      Carver, Ronald vs. Sutter Roseville Medical Ctr., et al**

The Motion to be Relieved as Counsel is dropped from the calendar at the request of the moving party.

**8. S-CV-0030066                      Mitchell, Jeff vs. State of California Dept. of Transp.,**

This tentative ruling is issued by the Honorable Charles D. Wachob. If oral argument is requested, such argument shall be held at 8:30 a.m. in Department 42:

Plaintiff's Motion to Tax Costs

Upon a challenge to a cost memorandum, the burden is upon the party opposing the costs to show they were not reasonable or unnecessary. (*Ladas v. California State Auto. Assn. (1993) 19 Cal.App.4th 761, 774; Nelson v. Anderson (1999) 72 Cal.App.4th 111, 131.*) Costs that are properly objected to are put in issue, shifting the burden to the party claiming such costs. (*Ladas v. California State Auto. Assn., supra; Fennessy v. DeLeuw-Cather Corp. (1990) 218 Cal.Ap.3d 1192, 1195-1196.*) Plaintiff objects to the following deposition transcript costs:

<u>NAME OF DEPONENT</u>	<u>COST</u>
Kevin Taber	\$ 247.08
Andrew Streng	\$ 160.38
Glen DeCou	\$ 231.00
Jeffrey Mitchell	\$ 550.17
Michael Stone	\$ 344.09
<b>TOTAL</b>	<b>\$1,532.72</b>

Deposition costs are specifically provided for by statute. (*Code of Civil Procedure section 1033.5(a)(3)*.) However, such costs must still be reasonably necessary to the conduct of the litigation and reasonable in their amounts. (*Code of Civil Procedure section 1033.5(c)*.) The necessity of such costs is determined from the pretrial vantage point of the litigant and not whether the depositions were useful or relevant. (*Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 131-132.) Upon review of the memorandum of cost and the parties' respective papers, defendant has sufficiently established that each of the five deposition transcripts were necessary during the preparation of its case against the plaintiff and reasonable in cost. Based upon the foregoing, the motion is denied.

**9. S-CV-0030126                    Cappawana, George, et al vs. Centex Real Estate Corp., et al**

Defendant Centex's Motion for Good Faith Settlement is granted. Based on the standards set forth in *Tech-Bilt v. Woodward Clyde & Associates* (1985) 38 Cal.3d 488, the settlement at issue is within the reasonable range of the settling tortfeasors' proportionate shares of liability for Plaintiffs' injuries and therefore is in good faith within the meaning of CCP§877.6.

**10. S-CV-0030726                    Gupta, Deepak vs. Dulay, Harpreet**

Plaintiff's unopposed Motion to Compel is granted. The defendant shall provide responses and responsive documents, without objections, on or before August 2, 2013. Sanctions are denied because the motion was not opposed. (CCP§2030.290(c); 2031.300(c).) However, repeated conduct of failing to comply with discovery obligations may lead the Court to find an abuse of the discovery process and award sanctions on that basis. (*Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal.App.3d 481, overruled on other grounds in *Garcia v. McCutchen* (1997) 16 Cal.4th 469, 478, fn. 4.)

**11. S-CV-0030822                    Cordier, Elaine, et al vs. The Forecast Group, et al**

Claremont Insurance Company's Motion for Leave to Intervene is granted. Claremont shall file its complaint-in-intervention on or before July 26, 2013.

**12. S-CV-0031114                    Lashley, Juan, et al vs. U.S. Home Corporation**

Defendant's Motion to Consolidate is continued to August 8, 2013 at 8:30 a.m. in Department 40 to allow the defendant to properly notice the motion in *Miraftabi v. U.S. Home Corp.*, Placer Court Case No. SCV-32720, pursuant to the requirements of CRC Rule 3.350.

If oral argument is requested, defendant's request for telephonic appearance is granted. The defendant is informed that it must make arrangements for the telephonic appearance through CourtCall pursuant to Local Rule 20.8.A.2.

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**13. S-CV-0031148                      Mazzoni, Nello, et al vs. Centex Real Estate Corp., et al**

Defendant Centex's Motion for Good Faith Settlement is granted. Based on the standards set forth in *Tech-Bilt v. Woodward Clyde & Associates* (1985) 38 Cal.3d 488, the settlement at issue is within the reasonable range of the settling tortfeasors' proportionate shares of liability for Plaintiffs' injuries and therefore is in good faith within the meaning of CCP§877.6.

**14. S-CV-0031190                      Zirelli, Louis J. vs. Quality Loan Services, Inc.**

This tentative ruling is issued by the Honorable Michael W. Jones. If oral argument is requested, the hearing shall be held at 8:30 a.m. in Department 43:

Defendant Quality Loan Services Inc.'s Demurrer

Ruling on Defendant's Request for Judicial Notice

Defendant's request for judicial notice is granted pursuant to Evidence Code section 452. The court notes that specifically as to Exhibits A through G, "taking judicial notice of a document is not the same as accepting the truth of its contents or accepting a particular interpretation of its meaning." (*Joslin v. H.A.S. Ins. Brokerage* (1986) 184 Cal.App.3d 369, 374.) The court will not turn a demurrer into a contested evidentiary hearing when the truthfulness of documents are in dispute. (*Ibid*; *Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 605.) As to Exhibit H, the court may take judicial notice of the truth of the facts asserted in documents such as orders, findings of fact and conclusions of law, in addition to judgments and does so in this case. (*Bach v. McNelis* (1989) 207 Cal.App.3d 852, 865.)

Ruling on Demurrer

The demurrer is sustained without leave to amend. A demurrer tests the legal sufficiency of the pleading, not the truth of a plaintiff's allegations or accuracy of the described conduct. (*Bader v. Anderson* (2009) 179 Cal.App.4th 775, 787.) The allegations in the pleading are deemed to be true no matter how improbable they may seem. (*Del E. Webb Corp. v. Structural Materials Co.*, *supra*, 123 Cal.App.3d at p. 604.) Plaintiff alleges three causes of action that fail to allege sufficient facts to support any of the causes of action.

As to all three causes of action, the complaint fails to allege sufficient facts against the defendant to overcome the qualified privilege under Civil Code section 2924. The non-judicial foreclosure statutory scheme specifically provides a privilege to trustees, "[i]n performing acts required by this article, the trustee shall incur no liability for any good faith error resulting from reliance on information provided in good faith by the beneficiary regarding the nature and the amount of the default under the secured obligation, deed of trust, or mortgage. In performing the acts required by this article, a trustee shall not be subject to [the Rosenthal Fair Debt Collection Practices Act]." (*Civil*

*Code section 2924(b).*) Moreover, the recording of Notice of Default and associated procedures are privileged under Civil Code section 47. (*Civil Code section 2924(d).*) As currently pled, the complaint fails to allege sufficient facts to demonstrate that the privilege does not apply to the defendant.

The first cause of action also fails to allege sufficient facts to support an action for cancellation of an instrument/expungement. Such a cause of action is governed by Civil Code section 3412. The complaint must allege facts showing (1) the apparent validity of the instrument and (2) the reasons why the instrument is invalid. (*M.F. Farming, Co. v. Couch Distributing Co. (2011) 207 Cal.App.4th 180, 200-201.*) The majority of the first cause of action is pled in a conclusory fashion with insufficient factual allegations establishing the apparent validity of the Notice of Default.

The second cause of action for slander of title also fails for a few reasons. First, the cause of action is subject to res judicata. The claim preclusive effect of a small claims judgment is recognized so as to prevent the splitting of a cause of action. (*Pitzen v. Superior Court (2004) 120 Cal.App.4th 1374, 1381-1382; Allstate Ins. Co. v. Mel Rapton, Inc. (2000) 77 Cal.App.4th 901, 905-906.*) The plaintiff's small claims complaint alleged "defendant has filed a notice of default against plaintiffs (sic) real property that is invalid and has been since filing. Plaintiffs (sic) title has been unmarketable since such date." (Defendant's Request for Judicial Notice, Exhibit G, ¶3.a., p. 2.) Judgment entered against plaintiff on July 25, 2012 where the small claims court stated "[d]efendant does not owe plaintiff any money on plaintiff's claim." (Id. at Exhibit H, Notice of Entry of Judgment, ¶2.) The small claims judgment has a res judicata effect on the slander of title action.

Second, the complaint fails to allege sufficient facts to establish the second cause of action. The elements for slander of title are (1) publication, (2) without privilege or justification, (3) that is false, and (4) that causes direct and immediate pecuniary loss. (*Alpha and Omega Development, LP v. Whillock Contracting, Inc. (2011) 200 Cal.App.4th 656, 664.*) As previously stated, plaintiff fails to allege sufficient facts establishing that the qualified privilege under Civil Code section 2924 does not apply to defendant. Nor does the complaint allege sufficient facts that the recording of the Notice of Default was not justified. Thus, the second cause of action fails.

The third cause of action alleged in the caption of the complaint is negligent misrepresentation. "The elements of negligent misrepresentation are (1) the misrepresentation of a past or existing material fact, (2) without reasonable ground for believing it to be true, (3) with intent to induce another's reliance on the fact misrepresented, (4) justifiable reliance on the misrepresentation, and (5) resulting damage." [Citations omitted.] While there is some conflict in the case law discussing the precise degree of particularity required in the pleading of a claim for negligent misrepresentation, there is a consensus that the causal elements, particularly the allegations of reliance, must be specifically pleaded. [Citation omitted.]" (*National Union Fire Ins. Co. of Pittsburgh, PA v. Cambridge Integrated Services Group, Inc. (2009) 171 Cal.App.4th 35, 50.*) The complaint fails to address this cause of action in the

body of the complaint. Even when reading the complaint as a whole there are insufficient facts alleged to support an action for negligent misrepresentation. Hence, the third cause of action also fails.

The court presumes the facts alleged in the complaint and in the moving papers state the strongest case for the plaintiff. (see *Live Oak Publishing Co. v. Cohagan* (1991) 234 Cal.App.3d 1277, 1286.) While leave to amend is usually liberally granted, the plaintiff still bears the burden of demonstrating how the complaint may be amended to cure the defects. (*Assoc. of Comm. Org. or Reform Now v. Dept. of Indus. Relations* (1995) 41 Cal.App.4th 298, 302.) Without such a showing, a demurrer will be sustained without leave to amend. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) While plaintiff addresses an ability to plead regarding tender and challenges the effect of the small claims judgment, he does little to address the deficiencies in the causes of action. Plaintiff also offers no argument as to how these deficiencies may be remedied with an amendment. Since plaintiff has failed to make a showing that an amendment will cure the defects in the complaint, the demurrer is sustained without leave to amend.

If oral argument is requested, defendant's request for telephonic appearance is granted. The defendant is informed that it must make arrangements for the telephonic appearance through CourtCall pursuant to Local Rule 20.8.A.2.

**15. S-CV-0031394                      Kushner, Larry J et al vs. Davis, Lowell B et al**

Plaintiffs' Motion for Reconsideration is denied. The court executed and caused to be entered the interlocutory judgment on July 5, 2013. One the court enters judgment it is divested of jurisdiction to consider a motion under CCP Sec. 1008. APRI Ins. Co. v. Superior Court (1999) 76 Cal.App.4th 176, 181.

The time for the nomination of proposed nominees specified in the court's order of June 7, 2013 having now expired, the court appoints J. Benjamin McGrew as referee.

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This tentative ruling is issued by the Honorable Charles D. Wachob. If oral argument is requested, such argument shall be held at 8:30 a.m. in Department 42:

Plaintiff's Motion for Discovery of Police Personnel Records

Ruling on Requests for Judicial Notice

Plaintiff's request for judicial notice is granted pursuant to Evidence Code section 452. Defendants' request for judicial notice is also granted pursuant to Evidence Code section 452.

Ruling on Motion

In certain circumstances, a party may seek information contained in the personnel records of a peace officer. The parameters of such a request, often referred to as a *Pitchess* motion, is governed by Evidence Code sections 1043 through 1047. A party seeking disclosure of a peace officer's personnel records must strictly comply with the motion requirements outlined in the Evidence Code. (*Evidence Code section 1043(c).*) The moving party must make a good cause showing for the discovery sought and set forth the materiality of the records to the pending litigation. (*Evidence Code section 1043(b)(3).*) "Good cause" requires that the moving party demonstrate the relevance of the information through a specific factual scenario that establishes a plausible factual foundation for the allegations of misconduct. (*City of Santa Cruz v. Municipal Court (1989) 49 Cal.3d 74, 85-86.*) "[A] plausible scenario of officer misconduct is one that might or could have occurred. Such a scenario is plausible because it presents an assertion of specific police misconduct that is both internally consistent and supports the defense proposed to the charges." (*Warrick v. Superior Court (2005) 35 Cal.4th 1011, 1026.*)

Plaintiff seeks disclosure of information within the personnel records in the possession of the Rocklin Police Department for defendants Mark Siemens, Gregory Jensen, Terry Roide, Jason Westgate, and Greg Gaughan. As the request pertains to Mark Siemens, it is inappropriate. Mr. Siemens is the police chief of the Rocklin Police Department and there is no indication that he was present at the December 31, 2010 incident. The personnel records of a peace officer or supervisor that was not present or had no contact with the moving party are not subject to disclosure. (*Evidence Code section 1047.*) The motion is denied as it pertains to defendant Mark Siemens.

As to defendants Terry Roide and Jason Westgate, the plaintiff has failed to make a sufficient good cause showing for disclosure of their personnel records. An attorney declaration that is based upon information and belief may be used to establish good cause in support of a *Pitchess* motion. (*Haggerty v. Superior Court (2004) 117 Cal.App.4th 1079, 1086.*) However, such a declaration must still include a factual basis for the request. The declarations submitted by plaintiff in support of this motion provide no

factual references to defendants Roide or Westgate. Without this factual basis demonstrating a scenario that establishes a plausible foundation for the allegations of misconduct against these two defendants, there is no showing of good cause. Thus, the motion is denied as to defendants Terry Roide and Jason Westgate.

As to defendant Gregory Jensen, the plaintiff also fails to make a sufficient good cause showing. The supporting declarations provide minimal references to defendant Jensen. The Banks declaration does refer to a racial epitaph stated by Jensen during the December 31, 2010 incident. However, there are no further factual allegations as to Jensen. As previously discussed regarding defendants Roide and Westgate, this lack of factual basis fails to demonstrate the necessary scenario establishing a plausible foundation for the allegations of misconduct. The motion is also denied as to defendant Gregory Jensen.

The remaining defendant subject to the current motion is Greg Gaughan. Upon reviewing the supporting declarations submitted by plaintiff in the moving papers and with the reply, a sufficient good cause showing has been made by plaintiff. However, this showing is limited to the following: (1) alleged acts demonstrating racial or ethnic prejudice from December 31, 2005 through December 31, 2010 and (2) alleged acts demonstrating use of excessive force from December 31, 2005 through December 31, 2010.

Since a sufficient showing has been established as to defendant Greg Gaughan, an appearance of the parties is required to conduct an *in camera* hearing solely as to the possible disclosure of information within the personnel file of defendant Greg Gaughan.

**17. S-CV-0031918            Yefremov, Oleg vs. Carmax Auto Superstores, et al**

Demurrer to the Second Amended Complaint (SAC)

This is the third demurrer brought by the defendant challenging plaintiff's operative pleading. In this demurrer, the defendant challenges all the causes of action in the SAC. The prior versions of plaintiff's operative pleadings suffered from allegation deficiencies and the SAC repeats some of these same deficiencies that were previously identified by the court. The court also notes that plaintiff filed a Notice of Errata and a corrected SAC on May 13, 2013 to correct the caption of the SAC.

As the court has previously stated, a demurrer tests the legal sufficiency of the pleadings, not the truth of the plaintiff's allegations or accuracy of the described conduct. (*Bader v. Anderson* (2009) 179 Cal.App.4th 775, 787.) As such, the allegations in the pleadings are deemed to be true no matter how improbable the allegations may seem. (*Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604.) Defendant contends that neither the first cause of action for breach of contract nor the second cause of action for fraud allege sufficient facts to sustain either action.



In its ruling on the prior demurrer, the court noted that while the FAC attached a copy of the “Wholesale Vehicle Purchase Agreement”, the agreement was illegible and the FAC did not recite the terms of the agreement verbatim. While the SAC and corrected SAC refer to this agreement, no copy of the agreement is attached to either. Further, neither the SAC or corrected SAC provide a verbatim recitation of the terms of the agreement. Based upon this, the first cause of action again fails. (*Otworth v. S. Pac. Transp. Co.* (1985) 166 Cal.App.3d 452, 459.)

Upon review of the second cause of action in the SAC and corrected SAC, along with reviewing the plaintiff’s opposition, plaintiff specifically refers to the agreement that is not attached to plaintiff’s operative pleading. Since an essential portion of the factual allegations is missing from the SAC, the fraud cause of action also fails.

The demurrer is sustained with leave to amend. However, the court admonishes plaintiff to take care in preparing his third amended complaint and ensure that a legible copy of the Wholesale Vehicle Purchase Agreement is actually attached to his operative pleading.

The third amended complaint shall be filed and served on or before August 31, 2013.

**18. S-CV-0032534                      Del Pozzo, John vs. Maadarani, Mohammad**

The moving party is reminded that Local Rule 20.2.3 requires the information concerning the court’s tentative ruling procedure be included in the notice of motion.

Defendant’s Motion to Set Aside Default is continued to August 15, 2013 at 8:30 a.m. in Department 40. The defendant shall re-notice the motion for the continued hearing date and file a proof of service on or before July 19, 2013.

**19. S-CV-0032564                      Conrad, Ethan vs. Aboussof, Mohammad, et al**

The plaintiff’s Application for Writ of Attachment is granted in the amount of \$65,930.88 subject to a \$10,000 undertaking.

**20. S-CV-0032596                      Azevedo, Richard J. Trustee, et al vs. Kutzman, Michael T.**

Defendant’s Demurrer to the First Amended Complaint (FAC)

Defendant demurs only to the fourth cause of action for adverse representation. A party may demur to a complaint where the pleading does not state facts sufficient to constitute a cause of action. (CCP§430.10(e).) A demurrer tests the legal sufficiency of the pleadings, not the truth of the plaintiff’s allegations or accuracy of the described conduct. (*Bader v. Anderson* (2009) 179 Cal.App.4th 775, 787.) As such, the allegations in the pleadings are deemed to be true no matter how improbable the allegations may seem. (*Del E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal.App.3d 593, 604.)

The fourth cause of action is defective in two significant ways. First, a review of cause of action shows that it alleges numerous violations of the California Rules of Professional Conduct. However, there is no basis for civil liability under the Rules of Professional Conduct. . (*Noble v. Sears, Roebuck & Co.* (1973) 33 Cal.App.3d 654, 658; *Wilhelm v. Gray, Price, Williams & Russell* (1986) 186 Cal.App.3d 1324, 1332, fn. 5.) Second, contrary to plaintiffs' assertions in the FAC and opposition, there is no independent cause of action for adverse representation. The issue of adverse representation arises in the context of an attorney's fiduciary duties, such as the duty of loyalty. (*Dettamanti v. Lompoc Union School Dist. of Santa Barbara County* (1956) 143 Cal.App.2d 715, 723.) None of the cases cited by the plaintiff, including *Anderson v. Eaton* (1930) 211 Cal. 113, assert a separate cause of action for adverse representation. The allegations in the fourth cause of action are rooted in a claim for breach of fiduciary duty, which plaintiffs have already pled in the second cause of action. Based upon the foregoing, the demurrer is sustained without leave to amend.

### Defendant's Motion to Strike

#### Preliminary Matters

As an initial matter, plaintiffs object to defendant's reply as untimely. Defendant admits that the reply was not filed in accordance with the filing timelines established in CCP§1005(b). The court has discretion to refuse to consider a late filed paper. (CRC Rule 3.1300(d).) Furthermore, courts may overlook harmless procedural errors made in the papers or proceedings that do not affect the substantial rights of the parties. (CCP§475; *Morgan v. AT&T Wireless Services, Inc.* (2009) 177 Cal.App.4th 1235, 1252.) In this case, the court shall exercise its discretion and consider the late filed reply over plaintiffs' objection.

#### Ruling on Request for Judicial Notice

Plaintiffs' request for judicial notice is denied. In light of the court's ruling, the court shall not rule upon defendant's objections to the documents subject to plaintiff's request for judicial notice.

#### Ruling on Motion

A party may file a motion to strike the whole pleading or a portion of a pleading. (CCP§435(b)(1).) A motion to strike may be granted to strike irrelevant, false, or improper matters in a pleading; or to strike a pleading not drawn in conformity with the laws of the state or an order of the court. (CCP§436(a), (b).) The grounds for a motion to strike must appear on the face of the pleading or from judicially noticeable matters. (CCP§437(a).)

In the current motion, defendant seeks to strike the reference to punitive damages made in the FAC. In order to allege punitive damages the plaintiff must state sufficient

facts of malice, oppression, and/or fraud. (Civil C§3294(c).) Although plaintiff asserts that punitive damages are sufficiently alleged in the language found in paragraphs 28, 47, 49, 55. A review of those paragraphs and the FAC as a whole does not suggest that the elements of malice, oppression, or fraud have been sufficiently pled for punitive damages. Based upon this, the court grants the motion with leave to amend.

The second amended complaint shall be filed and served on or before August 9, 2013.

**21. T-CV-0001684            Schlinger, Norman vs. Lamberth Construction, Inc**

The moving party is reminded that Local Rule 20.2.3 requires the information concerning the court's tentative ruling procedure be included in the notice of motion.

Defendant GAF Materials Corporation's Motion for Good Faith Settlement is granted. Based on the standards set forth in *Tech-Bilt v. Woodward Clyde & Associates* (1985) 38 Cal.3d 488, the settlement at issue is within the reasonable range of the settling tortfeasor's proportionate shares of liability for Plaintiffs' injuries and therefore is in good faith within the meaning of CCP§877.6.

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